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Attorney for Plaintiff/Counter-Defendant, MARY STRUBLE, As Conservator for CS

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

MARY STRUBLE, As Conservator for CS,

 Plaintiff,

v.

FALLBROOK UNION HIGH SCHOOL
 DISTRICT, a Local Educational Agency
 Defendant.

FALLBROOK UNION HIGH SCHOOL
 DISTRICT,
 Counterclaimant,

v.

MARY STRUBLE, As Conservator for CS,

 Counter-Defendant,

CASE NO.: 07 CV 2328 LAB (CAB)
NOTICE OF RELATED CASE

TO DEFENDANT/COUNTERCLAIMANT FALLBROOK UNION HIGH SCHOOL
 DISTRICT ("The District"), and its attorney of record: PLEASE TAKE NOTICE that:

1. On December 13, 2007, Plaintiff filed a Complaint/Appeal of Office of
 Administrative Hearing, Special Education Division For Partial Reversal of Decision and

1 Attorney Fees and Costs in the instant action (CM/ECF Document 1). A copy of the Decision in
 2 OAH Case No. N2007090067 was attached to said Complaint/Appeal as Exhibit "A".

3 2. On January 8, 2008 the District filed (by fax) its Answer to Complaint and
 4 Counterclaim against Plaintiff (CM/ECF Document 3).

5 3. On January 8, 2008 the District filed (by fax) a related action, entitled
 6 "FALLBROOK UNION HIGH SCHOOL DISTRICT, Plaintiff v. CHRISTOPHER S., PAUL
 7 STRUBLE AND MARY STRUBLE, Defendants, Complaint for Violation of the Individuals
 8 With Disabilities Education Act" and was issued USDC, SDCA Case No. 08 CV 0049 H (AJB).
 9 The District's Complaint attached the same Decision in OAH Case No. N2007090067 as the
 10 Decision attached as Exhibit "1" to Plaintiff's Complaint.

11 4. On January 28, 2008, Plaintiff filed a Reply to Counterclaim (CM/ECF Document
 12 8).

13 5. On Sunday, January 27, 2008 at 1:05 p.m. Plaintiff herein was served with the
 14 District's Summons, Complaint and Civil Cover Sheet in the District's case.

15 6. There is no indication on the Civil Cover Sheet, USDC, SDCA Case No. 08 CV
 16 0048 H (AJB) of any related case. The Civil Cover Sheet is signed by the attorney of record for
 17 the District.

18 7. Not only is the District's case related to the instant case, the claims and relief
 19 sought in the District's case are virtually identical to those sought in the Counterclaim in the
 20 instant case; to wit:

21 08 CV 0049 H (AJB)

07 CV 2328 LAB (CAB)

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26	6 (unintelligible)		
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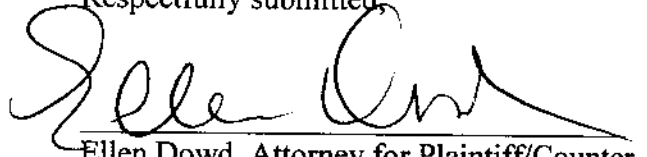
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16 8. There is no separate relief sought in the District's later-filed case.

17 9. Accordingly, Plaintiff respectfully Requests that the later-filed be transferred to
18 the judge and Magistrate Judge in the instant case under the "low number rule," so that
19 Plaintiff's Motion To Dismiss can be brought in this courtroom.

20 10. Alternatively, Plaintiff requests that an Order to Show Cause issue as to why the
21 later-filed complaint should not be dismissed.

22 Respectfully submitted,

23 
24 Ellen Dowd, Attorney for Plaintiff/Counter-
25 defendant, Mary Struble
26
27
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Dated: January 29, 2008

PROOF OF SERVICE

Mary Struble v. Fallbrook Union High School District

USDC, SDCA Case. No. 07 CV 2328 LAB (CAB)

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

I am employed in the County of San Diego, State of California. I am over the age of 18, and not a party to the within action. My business address is 2658 Del Mar Heights Road #228 Del Mar, California 92014.

On January 29, 2008 I caused to be served the foregoing documents described as **Notice of related Case, Case No. 07 CV 2328 LAB (CAB)** on all interested parties in this action as follows:


Sharon A. Watt, Esq.
Filarsky & Watt
408 Bryant Circle, Suite "C"
Ojai, California 93023
(805) 640-2970

 X BY MAIL. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon full prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing stated in this declaration.

Executed on January 29, 2008 at San Diego, California.

 XX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Ellen Dowd


Signature